

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA; AMENDING SECTION 7.8, A-1 - AGRICULTURAL DISTRICT, SUBSECTION (b)(1) TO ADD AQUACULTURE AS A PERMITTED PRINCIPAL USE AND STRUCTURE; AMENDING SECTION 7.8 (b)(3) TO PERMIT AS A PROVISIONAL USE AND STRUCTURE THE AQUACULTURE OF NON-NATIVE OR EXOTIC SPECIES; AMENDING SECTION 7.9, A-2 - RURAL AGRICULTURE DISTRICT, SUBSECTION (b)(1) TO ADD AQUACULTURE AS A PERMITTED PRINCIPAL USE AND STRUCTURE; AMENDING SECTION 7.9 (b)(3) TO PERMIT AS A PROVISIONAL USE AND STRUCTURE THE AQUACULTURE OF NON-NATIVE OR EXOTIC SPECIES; AMENDING SECTION TWENTY, DEFINITIONS, TO AMEND THE DEFINITION OF AQUACULTURE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Board of County Commissioners of Collier County, Florida deems it appropriate and in the best interests of the citizens of Collier County to allow as permitted principal uses aquaculture and mariculture of native species within the A-1 Agricultural District and the A-2 Rural Agriculture District; and

WHEREAS, the Board further determines it appropriate and in the best interests of the citizens of Collier County to allow as permitted provisional uses aquaculture and mariculture of non-native or exotic species within the A-1 Agricultural District and the A-2 Rural Agriculture District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Collier County Ordinance No. 82-2, the Comprehensive Zoning Regulations for the unincorporated area of Collier County, Florida, Section 7.8, A-1 - Agricultural District, Subsection (b)(1) Permitted Principal Uses and Structures, is hereby amended to read as follows:

- b. Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:
  - 1) Permitted Principal Uses and Structures:

Words underlined are added; words ~~struck-through~~ are deleted.

- (a) Agricultural activities, such as field crops, horticulture, fruit and nut production, forestry, ranching, beekeeping, poultry and egg production, milk production, animal breeding, raising, training, stabling or kenneling, and aquaculture subject to State of Florida Game and Freshwater Fish Commission permits.
- (b) Oil and gas exploration and drilling (subject to State drilling permit).

2) Permitted Accessory Uses and Structures:

- (a) Single-family dwellings.
- (b) Accessory uses and structures which are incidental to and customarily associated with uses permitted in the district.
- (c) Private boat houses and docks, with or without boat hoists, on lake, canal or waterway lots.
- (d) Farm labor housing subject to Section 9.3.
- (e) On site retail sales of farm products primarily grown on the farm.
- (f) A mobile home or trailer, used in connection with the agricultural uses is permitted on a temporary basis only, not to exceed the duration of the agricultural use for which the mobile home is permitted or for three (3) years, whichever shall be the shorter, providing that a permit for such temporary use is obtained from the Director, and further providing that the applicant is utilizing for such agricultural use a tract of five (5) acres or more, except that part lying in public road rights-of-way. Such mobile homes or trailers shall not be located closer than one hundred (100) feet from any County highway line, two hundred (200) feet from any State highway right-of-way, or five hundred (500) feet from any Federal highway right-of-way line.

The mobile home must be removed at the termination of the permitted period.

- (g) Mobile home or trailer shall be permitted as a temporary residence while permanent residence is being constructed. Upon issuance of a building permit for the construction of a permanent residence, the Director may issue a permit for temporary use of a mobile home or trailer while permanent residence is being built. The duration of such permit shall be determined by the Director but in no case may it extend beyond the expiration date of the building permit or the completion of the residence whichever is the sooner.

Prior to the issuance of a final certificate of occupancy, the mobile home or trailer must be removed from the premises.

- 3) Permitted Provisional Uses and Structures:
  - (a) Aquaculture and mariculture of non-native or exotic species subject to State of Florida Game and Freshwater Fish Commission permits.
  - (b) Hunting cabins, subject to all building codes and permits.
  - (c) Extraction and related processing and production.
  - (d) Private landing strips for general aviation.
- 4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

SECTION TWO:

Collier County Ordinance No. 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.9, A-2 - Rural Agriculture District, Subsection (b)(1) Permitted Principal Uses and Subsection (b)(3) Permitted Provisional Uses and Structures are hereby amended to read as follows:

b. Uses and Structures:

- 1) Permitted Principal Uses:
  - (a) Single-family dwellings.
  - (b) Agricultural activities, such as field crops, horticulture, fruit and nut production, forestry, ranching, beekeeping, poultry and egg production, milk production, animal breeding, raising, training, stabling or kenneling, and aquaculture subject to State of Florida Game and Freshwater Fish Commission permits.
  - (c) Wildlife management areas, plant and wildlife conservancies, refuges and sanctuaries.
  - (d) Wholesale plant nurseries and retail sales (to include the sale of garden supplies).
  - (e) Any use clearly intended as a measure of conservation.
  - (f) Oil and gas exploration and drilling (subject to state drilling permit).
- 2) Permitted Accessory Uses and Structures:
  - (a) Accessory uses and structures which are incidental to and customarily associated with the uses permitted in the district.
  - (b) Farm labor housing subject to Section 9.3.

- (c) On-site retail sales of farm products primarily grown on the farm.
- (d) Guest house (subject to Section 8.38).
- (e) A mobile home or trailer, used in connection with the agricultural uses is permitted on a temporary basis only, not to exceed the duration of the agricultural use for which the mobile home is permitted or for three (3) years, whichever shall be the shorter, providing that a permit for such temporary use is obtained from the Director, and further providing that the applicant is utilizing for such agricultural use a tract of five (5) acres or more, except that part lying in public road rights-of-way. Such mobile homes or trailers shall not be located closer than one hundred (100) feet from any County highway line, two hundred (200) feet from any State highway right-of-way, or five hundred (500) feet from any Federal highway right-of-way line.

The mobile home must be removed at the termination of the permitted period.

- (f) Mobile home or trailer shall be permitted as a temporary residence while permanent residence is being constructed. Upon issuance of a building permit for the construction of a permanent residence, the Director may issue a permit for temporary use of a mobile home or trailer while permanent residence is being built. The duration of such permit shall be determined by the Director but in no case may it extend beyond the expiration date of the building permit or the completion of the residence whichever is the sooner.

Prior to the issuance of a final certificate of occupancy, the mobile home or trailer must be removed from the premises.

3) Permitted Provisional Uses and Structures:

- (a) Extraction and related processing and production.
- (b) Earth mining and related processing.
- (c) Churches and places of worship.
- (d) Private landing strips for general aviation.
- (e) Sawmills, provided that no sawmill shall be located closer than 1,000 feet from any County, State or Federal property or highway right-of-way.
- (f) Cemeteries.
- (g) Sport race tracts and arenas.

- (h) Zoo, aquarium, aviary, botanical garden, or other similar use.
  - (i) Communication towers, provided that no communication tower shall be located closer than one-half (1/2) the height of the tower plus ten (10) feet from any County, State or Federal property or highway right-of-way.
  - (j) Public, private and parochial school or college having a conventional academic curriculum. (See Section 8.11)
  - (k) Hunting cabin, subject to all building codes and permits.
  - (l) Child care centers.
  - (m) Aquaculture and mariculture of non-native or exotic species subject to State of Florida Game and Freshwater Fish Commission permits.
  - (n) Social and fraternal organizations (Subject to Section 8.11).
  - (o) Portable Asphaltic Concrete Batch Plants. (See Subsection c.7 for development standards.)
- 4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally, or by reasonable implication permitted herein.

SECTION FOUR: Collier County Ordinance No. 82-2, the Comprehensive zoning regulations for the unincorporated area of Collier County, Florida, Section Twenty, the definition of "Aquaculture" is hereby amended to read as follows:

Aquaculture: The culture or cultivation of marine or aquatic species (fresh or salt water) under either natural or artificial conditions. ~~The cultivation of the natural product of water.~~

SECTION FIVE: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

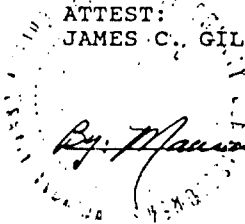
SECTION SIX: EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 9th day of January, 1990.

ATTEST:  
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF COLLIER COUNTY, FLORIDA



By: Maurice S. Long, Jr.

BY: Max A. Hasse, Jr.  
MAX A. HASSE, JR., Chairman

Approved as to form and legal sufficiency:

Kenneth B. Cuyler  
Kenneth B. Cuyler  
County Attorney

ZO-89-28  
nb/2197

This ordinance filed with the Secretary of State's Office the 17th day of Jan., 1990 and acknowledgement of that filing received this 17th day of Jan., 1990

By: Jane Chesnic  
Deputy Clerk

Words underlined are added; words struck-through are deleted.

STATE OF FLORIDA )  
COUNTY OF COLLIER )

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 90-2

which was adopted by the Board of County Commissioners on the 9th day of January, 1990, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 11th day of January, 1990.

JAMES C. GILES  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners



By: /s/Maureen Kenyon  
Deputy Clerk

